

CODE OF ORDINANCES
City of
GERMANTOWN, TENNESSEE

Codified through
Ord. No. 2007-17, enacted Sept. 24, 2007.
(Supplement No. 8)

Preliminaries

**CODE OF ORDINANCES
CITY OF
GERMANTOWN, TENNESSEE**

Published by Order of the Board of Mayor and Aldermen

Published by Municipal Code Corporation
Tallahassee, Florida 1999

OFFICIALS
of the
CITY OF
GERMANTOWN, TENNESSEE
AT THE TIME OF THIS CODIFICATION

Sharon Goldsworthy
Mayor

Carole Hinely
John Drinnon
Robert L. Parrish, Jr., M.D.
Gary Pruitt
Frank Uhlhorn
Aldermen

Patrick J. Lawton
City Administrator

C. Thomas Cates
City Attorney

Dotty Johnson
City Clerk/Recorder

PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the City of Germantown, Tennessee.

Source materials used in the preparation of the Code were the 1986 Code, as supplemented through the April 30, 1998, Supplement, and ordinances subsequently adopted by the board of mayor and aldermen. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1986 Code, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Chapter and Section Numbering System

The chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of chapter 1 is numbered 1-2, and the first section of chapter 6 is 6-1. Under this system, each section is identified with its chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6-1 and 6-2 is desired to be added, such new section would be numbered 6-1.5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters may be included in the same manner. If the new material is to be included between chapters 12 and 13, it will be designated as chapter 12.5. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

TABLE INSET:

CHARTER	CHT:1
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CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1

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CODE INDEX	CDi:1

Indexes

The indexes have been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the indexes themselves which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages. Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of James S. Vaught, Supervising Editor, and Robert McNaughton, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Ms. Mia Gianotti Henley, Assistant City Attorney, and Ms. Judy B. Simerson, City Clerk/Recorder, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city's affairs.

Copyright

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ADOPTING ORDINANCE

An Ordinance Adopting and Enacting a New Code for the City of Germantown; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation

Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and This Ordinance Shall Become Effective.

BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Germantown:

Section 1. The Code entitled "Code of Ordinances, City of Germantown, Tennessee," published by Municipal Code Corporation, consisting of Chapters 1 through 23, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before September 14, 1998, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$500.00, except that a higher amount may be imposed where permitted by state law. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the board of mayor and aldermen to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after September 14, 1998, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the board of mayor and aldermen that this ordinance shall become effective 30 days after its passage, in accordance with the Charter of Germantown, Tennessee, the public welfare demanding it.

First Reading: July 12, 1999

Second Reading: July 26, 1999

Third Reading: August 9, 1999

Judy B. Simerson

City Clerk/Recorder
Sharon Goldsworthy

Mayor

PART I CHARTER*

***Editor's note:** Printed herein is the city Charter, as adopted by the General Assembly as chapter 87 of the Private Acts of 1985. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes have been used. Additions made for clarity are indicated by brackets.

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ARTICLE I. INCORPORATION, NAME, AND CORPORATE BOUNDARIES

Sec. 1.01. Incorporation; name.

The inhabitants of the City of Germantown, in the County of Shelby and State of Tennessee, be, and they are hereby, constituted a body politic and corporate under the name and style of the City of Germantown, hereinafter sometimes referred to as the "City".

Sec. 1.02. Corporate boundaries.

The City of Germantown, located in Shelby County, Tennessee, hereby is bounded as described in Chapter 550, Acts of 1903 as amended by Chapters 352 of the Private Acts of

1921, referendum vote of March 8, 1955, and subsequent annexation ordinances adopted pursuant to the provisions of T.C.A. § 6-51-101 et seq. The boundaries may be further modified by annexation ordinances adopted in accordance with applicable state statutes dealing with municipal boundary changes

ARTICLE II. CORPORATE POWERS

Sec. 2.01. General powers.

The City of Germantown shall have perpetual succession, may sue and be sued, grant, receive, purchase and hold real, mixed and personal property, and may have and use a corporate seal and may alter the same at its pleasure.

Sec. 2.02. Miscellaneous powers.

The City of Germantown shall have the power:

1. To assess, levy, and collect taxes for all general and special purposes on all subjects and objects of taxation authorized by law;
2. To adopt such classifications of subjects and objects of taxation as may not be contrary to law;
3. To make special assessments for local improvements;
4. To contract and be contracted with;
5. To incur debts by borrowing money or otherwise and to give any appropriate evidence thereof;
6. To issue and give, sell, pledge, or in any manner dispose of negotiable or nonnegotiable interest-bearing or noninterest bearing bonds, warrants, promissory notes, or orders of the City, upon the credit of the City or solely upon the credit of specific property owned by the City or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the City or solely upon the credit of the proceeds of special assessments for local improvements or upon any two or more such credits;
7. To expend the money of the City for all lawful purposes;
8. To acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge, or otherwise dispose of property, real or personal, mixed, and any estate or interest therein within or without the City or State;
9. To condemn property, real or personal, or any easement, interest, estate, or use therein, either within or without the City, for present or future public use. Such condemnation shall be made and effected in accordance with the terms and provisions of general law;
10. To take and hold property within or without the City or State upon trust and to administer trusts for the public benefit;
11. To acquire, construct, own, operate, maintain, sell, lease, mortgage, pledge, or otherwise dispose of public utilities or any estate or interest therein, or any other utility or service to the City, its inhabitants, or any part thereof;
12. To grant any person, firm, association, or corporation franchises and/or contracts for public utilities and public services to be furnished to the City and those therein. Such power to grant franchises and make contracts shall embrace the power hereby expressly conferred to grant exclusive franchises and make exclusive contracts; and whenever an exclusive franchise or contract is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also as against the City itself. The Board may prescribe in each grant of a

franchise, or in each contract respecting same, the rates, fares, charges, the method of determining same, and regulations that may be made by the grantee of the franchise or contract. Franchises or contracts may, by their terms, apply to the territory within the corporate limits of the City at the date of the franchises or contracts and to such corporate limits thereafter as same may be enlarged and to the then existing streets, alleys, and to other thoroughfares which may be opened; provided, however, this paragraph shall not affect existing contracts or franchises;

13. To prescribe reasonable regulations regarding the construction, maintenance, equipment, operation, and service of public utilities and compel from time to time reasonable extensions of facilities for such services, but nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subsection 12 of Section 2.02;

14. To establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle, and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, and squares, bridges, viaducts, subways, sewers, and drains within or without the corporate limits, and to take any appropriate property for such uses as may be provided by general law;

15. To construct, and improve any streets, highways, avenues, alleys, or other public places within the corporate limits, to take all other action necessary and incidental thereto, and to assess a portion of the cost of such improvements upon the property abutting upon or adjacent to such streets, highways, or alleys under and as provided by general law;

16. To establish the limits of street and alley rights-of-way when necessary;

17. To assess against abutting property within the corporate limits the cost of removing from sidewalks and other public property all accumulations of snow, ice, and earth; cutting and removing obnoxious weeds and rubbish; street lighting, street sweeping, street sprinkling, street flushing, and oiling; and cleaning and rendering sanitary, or removing, abolishing, or prohibiting of unsanitary conditions in such manner as may be provided by general law or by ordinance of the Board;

18. To license and regulate, in accordance with applicable law, all persons, firms, corporations, companies, and associations engaged in any business, occupation, calling, profession, or trade;

19. To impose a license tax upon any animal, thing, business, vocation, pursuit, privilege, or calling not prohibited by law;

20. To define, prohibit, abate, suppress, prevent, and regulate all acts, practices, conduct, business, occupations, callings, trades, uses of property, and all other things whatsoever detrimental or liable to be detrimental to health, morals, comfort, safety, convenience, or welfare of the inhabitants of the City and to exercise general police powers;

21. To prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security, or general welfare of the people may be lawfully established, conducted or maintained;

22. To inspect, test, measure and weigh any article for consumption or use within the City and to charge reasonable fees therefor; and to provide standards of weights, tests and measures;

23. To establish, regulate, license, and inspect weights and measures;

24. To regulate the location, bulk, occupancy, area, lot, location, height, construction, and materials of all buildings and structures and to inspect all buildings, lands, and places as to their condition for health, cleanliness, and safety, and, when necessary, to prevent the use thereof and require any alteration or changes necessary to make them healthful, clean, or safe;

25. To provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences, and services;

26. To purchase or construct, maintain, and establish a penal facility for the confinement or detention of any person convicted in City Court of offenses against the laws and ordinances of

the City and who is required to be confined as a result of such conviction or to contract with other governments to keep said persons in their penal facility(s) and to provide by said contract and by ordinance for the commitment of such persons to the penal facility(s) so provided;

27. To enforce any ordinance by means of fines, forfeitures, and penalties and to impose costs as a part thereof;

28. To establish schools, determine the necessary boards, officers, and teachers required therefor, and fix their compensation; to purchase or otherwise acquire land for schoolhouses, playgrounds and other purposes connected with the schools; to purchase or erect all necessary buildings and to do all other acts necessary to establish, maintain, and operate a complete educational system within the City;

29. To regulate, tax, license, or suppress keeping or going at large of animals within the City, to impound the same and in default of redemption, to sell or dispose of the same;

30. To call elections as hereinafter provided;

31. To determine the boundaries of the City by appropriate survey or other acceptable method when necessary;

32. To provide compensation and benefits program for the welfare of the employees and elected officials of the City;

33. To provide for the establishment and operation of all offices, boards, divisions, and departments not herein enumerated which may be deemed necessary or expedient in the interest of the City;

34. To provide for and establish a planning commission and a board of zoning appeals pursuant to and consistent with the general law and to invest such bodies with all the powers conferred by general law; and to act upon the plans, plats, decisions, and recommendations made by such bodies respectively, as in the general law provided;

35. To do all things necessary to provide the City sufficient and safe water; to provide for the regulation, construction, and maintenance of waterworks, settling basins, pumping stations, water pipes, mains, rights-of-way for the same, reservoirs, and all appurtenances, whether within or without the corporate limits of the City; to provide for rates and assessments for water service and to provide and fix liens or penalties including withdrawal of service for refusal or failure of the party served to pay for same;

36. To provide for a sewerage [sewage] collection, treatment, and disposal facility;

37. To collect and dispose of drainage, sewage, offal, ashes, garbage, and refuse, and to impose a compulsory service charge for such, or to license and regulate such collection and disposal;

38. To provide an electric utility;

39. To provide a gas utility system;

40. To provide for and establish a community design review commission for the purpose of developing aesthetic and architectural controls for the community, pursuant to and consistent with the general law, and to invest such commission with all the powers conferred by general law; and to review and act upon the decisions and recommendations of the commission, as in the general law provided;

In addition, if the present or any future provisions of the general law of the State of Tennessee would grant powers to the City that are not specifically set forth herein, the City shall also have such powers.

(Priv. Acts 1990, Ch. 130)

ARTICLE III. ELECTIONS

Sec. 3.01. Date of general city election.

A general City election shall be held on the first Tuesday after the first Monday of November of each even-numbered year.

Sec. 3.02. General election laws apply.

All elections shall be conducted in accordance with the general election laws and this Charter.

Sec. 3.03. Voter qualification requirements.

All persons who are qualified to vote for members of the General Assembly of the State of Tennessee and who have been actual bona fide residents and citizens of the City of Germantown for thirty (30) days next preceding the election shall be entitled to vote in all municipal elections.

Sec. 3.04. Certain political activity prohibited.

No employee of the City, other than the Mayor and members of the Board of Aldermen, shall continue in the employment of the City after becoming a candidate for election as Mayor or Alderman of the City. No elected official or employee of the City shall orally, by letter, or otherwise, solicit or be in any manner concerned in soliciting, any assessment, subscription or contribution for any political party or political purpose from any elected official or employee of the City. No employee of the City, other than the Mayor and Aldermen, shall make any contribution to the campaign funds of any candidate in any City election, nor shall he take part in the management, affairs or political campaign of any City election, other than in the exercise of his rights as a citizen to express his opinions and to cast his vote. Any person who is adjudged by a court of competent jurisdiction to have willfully violated any provision of this section shall immediately forfeit and vacate his elected office or position of employment, as the case may be, and shall be ineligible to hold any elected office or position of employment with the City for a period of five (5) years from the time of such adjudication. No employee of the City shall be discriminated against with respect to his employment as a result of reporting activities that may constitute a violation of this section.

ARTICLE IV. BOARD OF MAYOR AND ALDERMEN**Sec. 4.01. Composition, election, term of office, reelection, and runoffs.**

The governing body of the City shall consist of a Mayor and five (5) Aldermen to be known officially as the "Board of Mayor and Aldermen", in which is vested all corporate, legislative and other powers of the City, except as otherwise provided in this Charter. The Board of Mayor and Aldermen shall hereinafter be referred to as the "Board". For the purpose of electing Aldermen, it is the intent of this Charter to continue the existing five (5) aldermanic positions known as positions one (1) through five. In filing for election any candidate for Alderman shall select and designate the position being sought. With respect to each position one Alderman shall be elected, and the Mayor and all Aldermen shall be elected from the City as a whole. The term of office of the Mayor and each Alderman shall be four (4) years. It is the intent of this Charter to continue the existing pattern of staggered four (4) year terms precisely. Therefore, on the first Tuesday after the first Monday in November, 1986, and on the first Tuesday after the first Monday of each second year thereafter, an election shall be held in the City to fill the offices, the terms of which are then expiring. The term of office of the Mayor and

each Alderman shall begin on the third Monday in December following their election. The Board, at the first regular meeting after the newly elected Aldermen have taken office following each biennial election, shall elect from its membership a Vice-Mayor for a term of one (1) year, and, upon the expiration of such term, shall elect from its membership a Vice-Mayor for a term of one (1) year.

The Mayor and any Alderman shall be eligible for reelection. The person receiving the highest number of votes for Mayor shall be declared Mayor. The candidates for the five (5) Aldermen positions who receive the highest number of votes for each position shall be declared elected to that office.

(Priv. Acts 1993, ch. 75)

Sec. 4.02. Qualifications for office.

No person shall be eligible to hold the office of Mayor or Alderman unless he is a qualified voter under the laws of the State of Tennessee, is or will be of the age of twenty-five (25) years at the time of his election, and has been a bona fide resident of the City of Germantown for at least sixty (60) days next preceding the election in which he is a candidate.

(Priv. Acts 1993, ch. 75)

Sec. 4.03. Board to fix salary of mayor; aldermen, employees.

All employees of the City, exclusive of elected officials, shall have their salaries and other benefits incidental to their employment established through a compensation plan approved by the Board. The Mayor and Aldermen in office at the time this Charter becomes effective shall continue to receive the same respective salaries and other benefits incidental to their offices as is then in effect. The Board shall have the power, by ordinance passed at least ninety (90) days prior to a regular biennial election, to increase the salaries for the Mayor and Aldermen; provided that no such increase in salary shall take effect until there shall have occurred two (2) biennial elections following the passage of said ordinance. At any time, the Board may establish, increase or decrease the benefits, other than salaries, that are incidental to the office of Mayor and Aldermen; provided that such benefits are commensurate with like benefits being furnished to employees of the City, such as, but not limited to, insurance under a group plan.

Sec. 4.04. Time and place of meetings.

The Board shall, by ordinance, fix the time and place at which the regular meetings of the Board shall be held. Adequate public notice of such meetings shall be given.

Sec. 4.05. Quorum and adjournment.

The presence of four (4) Aldermen or the Mayor and three (3) Aldermen shall constitute a quorum. In the absence of the Mayor and Vice-Mayor, the four (4) Aldermen present shall appoint one of their number to be the presiding Alderman. The Vice-Mayor or the presiding Alderman shall have a vote on all questions and shall have the authority to introduce or second motions.

A regular meeting at which a quorum is present may be adjourned by a majority vote, either from day to day or from time to time; but no such adjournment shall be taken to a date beyond the day preceding the next regular meeting; and any adjourned meeting shall continue as a regular meeting through said adjournment.

Sec. 4.06. Called meetings.

The Board shall meet in special session on written notice of the Mayor, or any three (3) aldermen. Such notice shall be personally served on the parties entitled thereto. Adequate public notice of called meetings shall be given.

Sec. 4.07. Ordinance procedure.

All ordinances passed heretofore for the City are hereby declared valid and binding and are continued in effect unless they conflict with this Charter. Ordinances hereafter shall be passed in the following manner:

All ordinances shall be passed three (3) different days at a regular, adjourned, or called meeting of the Board. Ordinances may be amended up to and at the third and final reading. A public hearing shall be held prior to or at the third and final reading of an ordinance, and notice of such hearing shall be published in an officially designated newspaper and posted at the Municipal Center of the City. Publication of ordinances shall be made in accordance with general law and made available for public inspection at the Municipal Center. Each ordinance shall be effective upon final passage unless by its terms the effective date is deferred. Ordinances shall be signed by the Mayor or Acting Mayor and shall be immediately taken charge of by the City Clerk/Recorder and by him numbered, copied in an ordinance book, and there authenticated by the signature of the City Clerk/Recorder and filed and preserved in the City Clerk/Recorder's Office.

Sec. 4.08. Officials' oath of office.

The Mayor, Aldermen, and Judge(s) of the City shall, before entering upon the duties of their respective offices, take an oath, before a person authorized to administer oaths in this State, to faithfully, uprightly, and honestly demean themselves as such officers of the City during their continuance in office.

Sec. 4.09. Duties of the mayor.

The Mayor shall be the executive head of the City, responsible for the efficient and orderly administration of the affairs of the City and the enforcement of the ordinances of the City and the laws of the State within the City limits. The Mayor shall have such powers and duties as are specified in this Charter, as may be provided by ordinance not inconsistent with this Charter, or as are otherwise provided by law. It shall be the duty of the Mayor to preside at all meetings of the Board; and, in case of a tie vote before said Board, he shall have a vote, but not otherwise. In the event of the absence, inability or refusal on the part of the Mayor to serve, as determined by the Board, the Vice-Mayor shall act as Mayor.

Sec. 4.10. Duties of Vice-Mayor.

The Vice-Mayor shall perform the duties of the Mayor during the absence or inability of the Mayor to act. Upon a vacancy occurring in the office of Mayor, the Vice-Mayor shall assume the office of Mayor and shall serve as such until a person is elected as Mayor in the manner set forth hereinafter. Upon the Vice-Mayor assuming the position of Mayor, the position of Alderman shall be deemed to be vacated and such position shall be filled as hereinafter provided.

Sec. 4.11. Vacancy in the office of Mayor, Vice-Mayor or Alderman.

A vacancy shall exist in the applicable office if the Mayor or an Alderman resigns, dies, moves his residence from the City, has been continuously disabled for a period of six (6) months so as to prevent him from discharging the duties of his office, accepts any Federal, State, County, or other municipal office, which is filled by public election, or is convicted of malfeasance or misfeasance in office, a felony, or a violation of the election laws of the State, or is adjudicated to have violated the Charter of the City, or is recalled. No member of the Board

who resigns his position shall be eligible for appointment to a longer term on the Board. In the event the Mayor or an Alderman fails to attend sixty (60) percent of the regular Board meetings in any period of twelve (12) consecutive months, such shall be a reason for declaring a vacancy in the applicable office.

The declaration of a vacancy, as defined herein, in the office of Mayor or in the office of Alderman may be made by motion of any member of the Board at any meeting thereof. Such vacancy shall be deemed to have occurred upon the passage of such motion by the Board.

(a) *Procedure for filling vacancy in office of Mayor.* When a vacancy occurs in the office of Mayor, the Vice-Mayor shall immediately assume the office of Mayor for the term hereinafter indicated. If such vacancy occurs within six (6) months of the next biennial election, the Vice-Mayor shall serve the unexpired term of the Mayor. If such vacancy occurs more than six (6) months before the next biennial election, the position of Mayor shall be filled by election at the next biennial election and the Vice-Mayor shall serve as Mayor until his successor takes office. At such election, the Mayor shall be elected to serve only for two (2) years, if the term of his publicly elected predecessor would not have expired in the year of said biennial election; otherwise, he shall serve for four (4) years.

(b) *Procedure for filling vacancy in office of Vice-Mayor.* When the Vice-Mayor assumes the office of Mayor, or when his term as Vice-Mayor expires, or if the Alderman serving as Vice-Mayor should vacate his office for any other reason, so that the office of Vice-Mayor is then vacant, the Board, within thirty (30) days after such vacancy occurs, shall elect from its membership a Vice-Mayor to serve for the unexpired term of the Vice-Mayor who has vacated the office.

(c) *Procedure for filling vacancy in the office of Alderman.* Within thirty (30) days after a vacancy occurs in the office of Alderman, the Board shall appoint to such office a citizen, who would be eligible for election thereto, to serve for the remainder of the unexpired term thereof; provided, however, that only two (2) vacancies in the office of Alderman shall be filled by appointment of the Board unless subsequent vacancies occur within six (6) months of the next general City election, in which event the Board shall appoint a citizen to serve in such office for the remainder of the term thereof; and in the event a vacancy, after the second, should occur more than six (6) months prior to the next general City election, the Board shall forthwith, by resolution, call upon the Election Commission for Shelby County to call a special election for the purpose of filling such additional vacancy. Said special election shall be held in the same manner as provided in this Charter for general elections. The Alderman elected at such special election shall hold office for the remainder of the unexpired term of the office for which he stands for election.

In the event of the occurrence of any vacancy in the Board which may, under the provisions of this Section, be filled by appointment by the remaining Aldermen, and remaining Aldermen shall fail or neglect to fill such vacancy within thirty (30) days of its occurrence, it shall be the duty of the Election Commissioners of Shelby County, upon certification of such facts to them by the Mayor, any Alderman or registered voter of the City of Germantown, to call and cause to be held, as hereinabove provided, a special election for the purpose of filling such vacancy, provided such certification be made to the Election Commissioners for Shelby County within sufficient time to permit the holding and completion of such special election at least six (6) months prior to the next general City election.

Sec. 4.12. Recall petition and election, Mayor or Alderman.

The Mayor or any Alderman of the City elected or appointed to fill a vacancy under this Charter may be removed from office by the voters. The procedure to effect the removal of the incumbent shall be as follows:

A petition, by registered voters equal in number to at least thirty-five (35%) percent of the persons duly registered to vote at the time the position involved was last filled by public election,

demanding the recall of the person serving in that position and sought to be removed, shall be filed with the County Election Commission, and notice given by the Commission of such filing by publication at least once in a local newspaper of general circulation, which petition shall contain a general statement of the grounds upon which the removal is sought.

The signatures to the petition need not all be appended to one paper, but each signer shall sign his name, and shall place thereon, after his name, the date of signing and his place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof stating the number of signers thereto, that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the County Election Commission, which shall, within fifteen (15) days, canvass the signatures thereon to determine the sufficiency thereof. A separate petition shall be filed for each person sought to be removed. The County Election Commission shall attach to such petition its certificate showing the result of the examination.

If the County Election Commission's certificate shows that the petition is sufficient, the Commission shall call an election on the question of recall. At such election, voters shall vote either "for recall" or "against recall." If sixty-six (66%) percent of the voters vote "for recall", the person named shall be declared removed from office, and the office declared vacant. Such vacancy shall be filled as directed in Section No. 4.11. The aforesaid method of removal shall be cumulative and additional to the methods heretofore existing by law. No more than one (1) election for the purpose of recall shall be held in any six (6) month period and no such election shall be held within a period beginning ninety (90) days before and ending ninety (90) days after a regular Municipal election.

ARTICLE V. CITY ADMINISTRATOR

Sec. 5.01. Appointment, salary, and removal.

The Mayor shall appoint and the Board shall confirm such appointment and fix the salary of the City Administrator, who shall serve at the will of the Mayor. The City Administrator is subject only to the directions of the Mayor under the policies established by the Mayor or by the Board of Mayor and Aldermen.

Sec. 5.02. Residency requirement.

Within ninety (90) days of his appointment, the City Administrator shall take up residency in the City and shall thereafter maintain such residence while he serves as City Administrator.

Sec. 5.03. Absence of the city administrator.

In the temporary absence or disability of the City Administrator, an employee of the City designated by the Mayor or the City Administrator shall serve as City Administrator.

Sec. 5.04. Aldermen dealing with personnel through City Administrator.

Individual Aldermen are not to have or exercise direct authority over any of the personnel of the City but may contact such personnel for information gathering purposes to assist the Aldermen in meeting their collective responsibilities, provided that such contact is made in such a way as not to interfere with the operation of the department.

ARTICLE VI. CITY ATTORNEY

Sec. 6.01. Qualifications.

The City Attorney shall be an attorney at law entitled to practice in the courts of the State of Tennessee. He shall be a bona fide resident of the City of Germantown.

Sec. 6.02. Appointment, duties, and salary.

The City Attorney shall be appointed by the Board and shall direct management of all litigation in which the City is a party, including the function of prosecuting attorneys in the City Court; represent the City in all legal matters and proceedings in which the City is a party or interested or in which any of its officers is officially interested; attend meetings of the Board as requested and advise the Board and committees and members thereof, the City Administrator and heads of all departments, offices, or agencies as to all legal questions affecting the City's interests; and approve as to form, in those instances where required by the Board, all contracts, deeds, bonds, ordinances, resolutions, and other documents to be signed in the name of or made by or with the City. His salary and other benefits incidental to his position shall be fixed by the Board, and he shall serve at the will of the Board.

Sec. 6.03. Assistant City Attorneys.

The Board may appoint one (1) or more Assistant City Attorneys with such qualifications as the Board may determine and same shall perform such duties as the City Attorney shall assign to them. The salaries and other benefits incidental to the positions of the Assistant City Attorneys shall be fixed by the Board, and they shall serve at the will of the Board.

ARTICLE VII. CITY CLERK/RECORDER

Sec. 7.01. Appointment.

The City Clerk/Recorder shall be appointed by the Board at such salary and with such other benefits incidental to his position as are provided by the Board and shall serve at the will of the Board. The City Clerk/Recorder shall be subject to day-to-day supervision by the City Administrator; and the City Clerk/Recorder shall fully cooperate with the City Administrator to the end that the duties of both the City Clerk/Recorder and the City Administrator shall be fully performed.

Sec. 7.02. Shall keep minutes.

It shall be the duty of the City Clerk/Recorder to be present at all meetings of the Board and to prepare and maintain a full and accurate record of all business transacted by the same.

Sec. 7.03. Shall be custodian of public records, bonds, etc.

The City Clerk/Recorder shall have custody of and preserve in his office the City seal, the public records, ordinance books, minutes of the Board, contracts, bonds, titles, deeds, certificates and papers, all official indemnity or security bonds, and all other bonds, oaths, and

affirmations, and all other records, papers and documents not required by this Charter or by ordinance to be deposited elsewhere, and register them by numbers, dates, and contents, and keep an accurate and current index thereof.

Sec. 7.04. Shall provide and certify copies of records, papers, etc.

The City Clerk/Recorder shall provide and, when required, certify copies of records, papers and documents in his office and charge therefor, for the use of the City, such fees as may be provided by ordinance; and cause copies of ordinances to be published as may be directed by the Board and kept in his office for distribution.

Sec. 7.05. Shall perform any other duties imposed.

The City Clerk/Recorder shall also perform any other duties imposed upon him by this Charter, by ordinance, or by the Board.

ARTICLE VIII. ADMINISTRATION

Sec. 8.01. Departments, offices and agencies.

The Board may establish City departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies not in conflict with this Charter. Departments, offices and agencies created by the Board may be abolished or combined.

Sec. 8.02. Employees who handle money shall be bonded.

The City Administrator and every officer, agent, and employee having duties embracing the receipt, disbursement, custody, or handling of money shall, before entering upon his duties, execute a surety bond with a surety company authorized to do business in the State of Tennessee, as surety, in such amount as shall be prescribed by ordinance. All such bonds and sureties shall be subject to the approval of the Board, and the Board may provide for blanket bonds. The cost of all bonds shall be an expense of the City.

Sec. 8.03. Services furnished and equipment used outside corporate limits.

The City is empowered in its governmental capacity to use its firefighting, emergency medical and other equipment and personnel outside its corporate limits, when and under such circumstances, limitations and conditions as the Board may determine.

The Board may provide or agree to such terms, limitations, restrictions and conditions as may seem proper or advisable to it with respect to such outside use of said equipment and personnel; and it may refuse to permit any such outside use.

Whenever said firefighting, emergency medical and/or other equipment and City personnel are used or employed outside the corporate limits of the City, the City of Germantown and its officials, agents, servants, and employees authorizing or performing such service, shall be entitled to all the immunities and protections from liability to which they are entitled with respect to similar services within the corporate limits of the City.

ARTICLE IX. FINANCE

Sec. 9.01. Fiscal year.

The fiscal year of the City shall begin on the first day of July and end on the last day of June, unless otherwise provided by ordinance.

Sec. 9.02. Annual budgets required.

The adoption of an annual budget shall be a prerequisite to the appropriation of money for municipal purposes and the levy of property taxes.

Sec. 9.03. City administrator required to prepare and submit annual budget and explanatory message.

At least forty-five (45) days before the beginning of the fiscal year, the City Administrator shall prepare and submit to the Board a budget for the ensuing fiscal year and an accompanying message. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the City's debt position, and include such other material as the City Administrator deems desirable or the Board may require.

Sec. 9.04. Required content and organization of budget.

The budget shall provide a complete financial plan for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Administrator deems desirable or the Board may require.

Sec. 9.05. Capital improvement program.

A capital improvement program shall also be prepared to include a description of projects recommended for the ensuing fiscal year and at least the five (5) fiscal years thereafter, the estimated cost of each project, and the recommendations of the City Administrator for financing the projects proposed for the ensuing year and the following five (5) years. The capital improvement program shall be prepared by the City Administrator and submitted to the Board concurrently with the annual budget. The Board may accept, reject, or revise the capital improvement program as it deems desirable.

Sec. 9.06. Public hearing on annual budget.

After considering the City Administrator's proposed annual budget and the making of any modification thereto, the Board shall schedule a time and place for a public hearing thereon and shall give proper notice of the time and place of the public hearing, a summary of the annual budget tentatively approved by the Board, and a notice of when and where the entire annual budget may be inspected. Notice of the public hearing must be given at least ten (10) days in advance of the date thereof.

Sec. 9.07. Budget adoption.

After the public hearing, the Board shall adopt the budget, with such modification or amendments as the Board deems advisable, for the ensuing year on or before the last day of the fiscal year currently ending. If it fails to adopt the budget by this date, the appropriations for the current fiscal year shall become the appropriations for the next fiscal year until the adoption of the new budget ordinance.

Adoption of the budget shall be by ordinance and shall require passage on three (3) separate days at a regular, adjourned, or called meeting of the Board. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property tax therein proposed.

Sec. 9.08. Amendments to the annual budget.

Except as otherwise restricted by law, the Board may amend the budget ordinance in the same manner as any other ordinance may be amended. In order to increase expenditures over the total of those authorized by the current budget, the Board must amend the budget ordinance.

Sec. 9.09. Transfer of unencumbered appropriations.

At any time during the fiscal year, the City Administrator may transfer part or all of any unencumbered line items within a department, office, or agency. The Board, by appropriate resolution or ordinance, may authorize the City Administrator to transfer moneys from one (1) department, office or agency to another within the same fund subject to such limitations and procedures as it may prescribe. Any such transfers shall be reported to the Board at its next regular meeting and shall be entered in the minutes.

Sec. 9.10. Emergency appropriations.

Upon a declaration by the Board that there exists a public emergency affecting life, health, property, or the public peace, the Board may make emergency appropriations by ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the Board is authorized to borrow funds sufficient to meet said emergency by issuing evidence of obligations. Provision shall be made in the budget for the succeeding fiscal year for the payment of such obligations.

Sec. 9.11. Deficits.

If at any time during the fiscal year it appears probable to the Administrator that the available revenues will be insufficient to meet the amount appropriated, he shall report, without delay, to the Board, the estimated amount of the deficit, any remedial action taken by him, and his recommendations as to any other steps to be taken. The Board shall then take such action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce appropriations.

Sec. 9.12. Lapsing of appropriations.

Any portion of an annual appropriation remaining unexpended and unencumbered at the close of a fiscal year shall lapse and be credited to the respective fund's fund balance.

Sec. 9.13. Incurrence and discharge of obligations.

No payment shall be made or obligation incurred against any appropriation unless the City Administrator certifies that an appropriation has been made for that purpose and that there is unexpended and unencumbered in the appropriation for that purpose an amount sufficient to meet the obligation or to make the expenditure. However, except where prohibited by law, nothing herein shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year.

Sec. 9.14. Borrowing of funds.

The Board may authorize the City to issue bonds or to borrow money in conformance with the laws of the State of Tennessee.

Sec. 9.15. Accounting records, controls and audits.

Adequate accounting records shall be installed and maintained in accordance with generally accepted accounting principles. Constant and comprehensive budgetary control shall be maintained. An audit of the financial statements of the City shall be required by action of the Board and same shall be made after the end of each fiscal year by an independent Certified Public Accountant experienced in such work. Any taxpayer may file a bill in Chancery Court to compel the Board to have the audit made if such accountant has not been employed and the audit commenced within one (1) month after the end of the fiscal year.

Sec. 9.16. Competitive bidding and purchasing policies and procedures.

All purchases of goods and services by authorized officials of the City, using or encumbering municipal funds, shall be made in accordance with policies of the Board and applicable laws of the State of Tennessee.

ARTICLE X. TAXATION**Sec. 10.01. Assessment and levy.**

The principles established for State and County taxation shall be used to assess for taxation all property within the City not exempt by general law. Assessments made by the Shelby County Tax Assessor may be adopted by the City or assessments may be made by the City in accordance with applicable law.

Sec. 10.02. Due and delinquent dates; penalties and interest.

Due and delinquent dates for payment of property taxes, and penalties and interest on delinquent taxes, shall be fixed by the Board by ordinance.

Sec. 10.03. Publication of notice to taxpayers.

In February of each year there shall be published, once a week for two (2) consecutive weeks in an officially designated newspaper of general circulation, a notice to taxpayers informing them of the date after which penalties and interest on property taxes shall be due.

Sec. 10.04. Institution of suits to enforce tax liens.

Before April 1 of the second year following the year for which assessed, the City Administrator shall certify to the City Attorney the list of all real estate upon which municipal taxes remain due and unpaid or which is liable for sale for other taxes and assessments; and said attorney shall proceed at once to file suits in the Chancery Court for the collection of said taxes, assessments, penalties, and interest and enforcement of tax liens. Upon the filing of suit, an additional penalty established by the Board shall accrue upon all delinquent taxes as attorney's fees. Suits may be filed, prosecuted and the land sold in the same manner as for the enforcement of tax liens for delinquent County taxes, or as otherwise provided by state law.

Sec. 10.05. Statutory lien.

All municipal taxes on real estate in the City of Germantown and all penalties and costs accruing thereon are hereby declared to be a lien on said real estate on and after January 1 of the year for which the same are assessed.

Sec. 10.06. Collection of delinquent personal property taxes.

All taxes delinquent for thirty (30) days may be collected by distress warrants and sale of personal property, and the delinquent tax list in the hands of the collector shall have the force and effect of a judgment and execution from a court of record.

Sec. 10.07. Levy of occupancy tax.

The City hereby levies a privilege tax upon the privilege of occupancy in a hotel of each transient in any amount, to be set by ordinance of the City of Germantown, of up to five percent (5%) of the rate charged by the Operator. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this Article.

(Priv. Acts 1995, ch. 120)

Sec. 10.08. Collection by Operator, inclusion in rate.

Such tax shall be added by each and every operator to each invoice prepared by the Operator for the occupancy of the hotel and given directly or transmitted to the transient for the occupancy of the Operator's hotel. Such tax shall be collected by such Operator from the transient and remitted to the City. When a person has maintained occupancy for thirty (30) continuous days, that person shall receive from the Operator a refund or credit for the tax previously collected from or charged to him or her, and the Operator shall receive credit for the amount of such tax if previously paid or reported to the City.

(Priv. Acts 1995, ch. 120)

Sec. 10.09. Remittance of tax by Operator.

The tax levied shall be remitted to the Finance Director or his designee by all Operators who lease, rent or charge for rooms or spaces in hotels within the City, and the Finance Director is charged with the duty of collection thereof, such tax to be remitted to such officer not later than the twentieth (20th) day of each month for the preceding month. The Operator is hereby required to collect the said tax from the transient at the time of the presentation of the invoice for occupancy whether prior to occupancy or after occupancy as may be the custom of the Operator, and if credit is granted by the Operator to the transient, then the obligation to the City for such tax shall be that of the Operator. For the purpose of compensating the Operator in accounting for and remitting the tax authorized and levied pursuant hereto and the related ordinances of the City, the Operator shall be allowed two percent (2%) of the amount of the tax due and accounted for and remitted to the City in the form of a deduction in submitting his or her report and paying the amount due by such Operator, provided the amount due was not delinquent at the time of payment.

(Priv. Acts 1995, ch. 120)

Sec. 10.10. Collection of tax by City.

The Finance Director shall be responsible for the collection of such tax and shall place the proceeds of such tax in the general funds account of the City. A monthly tax return shall be filed under oath with the Finance Director by the Operator with such number of copies thereof as the Finance Director may reasonably require for the collection of such tax. The report of the Operator shall include such facts and information as may be deemed reasonable for the verification of the tax due. The form of such report shall be developed by the Finance Director and approved by the Board of Mayor and Aldermen of the City prior to use. The Finance Director shall cause an audit of each Operator in the City at least once per year and shall report on the audits made to the Board of Mayor and Aldermen of the City. The Board of Mayor and

Aldermen is hereby authorized to adopt reasonable rules and regulations for the implementation of the provisions of this Article.

(Priv. Acts 1995, ch. 120)

Sec. 10.11. Disclosure of tax.

No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the Operator or that it will not be added to the rent, or that if added, any part will be refunded.

(Priv. Acts 1995, ch. 120)

Sec. 10.12. Failure of operator to collect tax.

Taxes collected by an Operator which are not remitted to the Finance Director on or before the due dates shall be delinquent. An Operator shall be liable for interest on such delinquent taxes from the due date at the rate of twelve percent (12%) per annum, and, in addition, a penalty of one percent (1%) for each month or fraction thereof such taxes are delinquent. Such interest and penalty shall become a part of the tax herein required to be remitted. Each occurrence of willful failure or refusal of an Operator to collect or remit the tax or the willful refusal of a transient to pay the tax imposed is hereby declared to be unlawful and shall be punishable by a civil penalty not in excess of five hundred dollars (\$500.00). In addition, it is unlawful for any Operator to knowingly file a false tax return and a violation shall be punishable by a civil penalty of not more than five hundred dollars (\$500.00).

(Priv. Acts 1995, ch. 120)

Sec. 10.13. Rules and regulations; reports; records.

It is the duty of every Operator liable for the collection and payment to the City of any tax imposed under the authority hereof to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax for which he or she may have been liable for the collection of and payment to the City, which records the Finance Director, his designee or any accounting firm or accountant employed by the City, shall have the right to inspect at all reasonable times. The Finance Director in administering and enforcing the provisions of this ordinance shall have as additional powers those powers and duties with respect to collecting taxes as provided in T.C.A. § 67-1-101 et seq. or otherwise provided by law for county clerks and/or municipal officers. Upon any claim of illegal assessment and collection, the taxpayer shall have the remedies provided by law; it being the intent of this ordinance that the provisions of law which apply to the recovery of state taxes illegally assessed and collected also apply to taxes illegally assessed and collected under the authority of this ordinance. The Finance Director shall also possess those powers and duties as provided in T.C.A. § 67-5-507 for county clerks with respect to the adjustments and refunds of such tax. With respect to the adjustment and settlement with taxpayers, all errors of taxes collected by the Finance Director under the authority of this Article shall be refunded by the City. Notice of any tax paid under protest shall be given to the Finance Director, and suit may be brought for recovery of such tax against the Mayor of the City in his or her official capacity.

(Priv. Acts 1995, ch. 120)

Sec. 10.14. Allocation of funds.

The proceeds of the tax authorized by this ordinance shall be allocated to such funds as the Board of Mayor and Aldermen of the City shall from time to time direct.

(Priv. Acts 1995, ch. 120)

Sec. 10.15. Applicability.

The provisions of this ordinance are hereby declared to be severable. If any of its sections, provisions, exceptions or parts shall be held unconstitutional or void, the remainder of this ordinance shall continue to be in full force and effect, it being the legislative intent now hereby declared, that this ordinance would have been adopted even if such unconstitutional or void matter had not been included herein.
(Priv. Acts 1995, ch. 120)

ARTICLE XI. JUDICIAL DEPARTMENT*

*Certain of the provisions of Article XI regarding the Judicial Department have been superseded by Ordinance No. 1993-6, which appears in the Code of Ordinances of the City of Germantown as Chapter 2, Section 2-106 et seq.

Sec. 11.01. [Constitution.]

The Judicial Department of the City shall be constituted of those persons appointed by the Board to serve as City Judge(s).

Sec. 11.02. Appointment, qualifications, oath and salary of the office of City Judge(s).

Persons appointed to the office of City Judge by the Board shall constitute the City Court. A City Judge shall not be less than thirty (30) years of age, shall be a resident of the City of Germantown, and an attorney at law entitled to practice in the courts of the State of Tennessee. A City Judge shall take the oath prescribed by law, and shall receive such salary and benefits incidental to his position as may be provided by the Board.

Sec. 11.03. Absence or disability of City Judge.

The Board shall designate persons with the same qualifications set forth herein for a City Judge to serve due to the absence or disability of a City Judge. Such persons shall serve in a manner to be determined by the Board by appropriate action. Disability of a City Judge shall be determined by the Board.

Sec. 11.04. Term of office of City Judge may be provided by ordinance.

The City Judge shall serve at the will and pleasure of the Board of Mayor and Aldermen. How a vacancy in the office will be created, how the vacancy shall be filled, and such other matters with respect to the office, as the Board deems necessary, shall be provided by ordinance. No City Judge shall be removed from office except for good cause shown and shall be given the opportunity for a hearing before the Board on the issue of his removal, but pending such hearing may be suspended by the Board from acting as City Judge.

Sec. 11.05. Jurisdiction, powers, and process.

The jurisdiction of the City Judge shall extend to the trial of all offenses against the ordinances of the City and concurrently with the Court of General Sessions of Shelby County, Tennessee, for violation of the criminal laws of the State. Costs in trials of offenses against the ordinances of the City shall be provided by ordinance. The City Judge shall have the power to levy fines, penalties and costs, to issue all necessary process, to administer oaths, and to maintain order, including the power which Courts of General Session of the State of Tennessee have to punish for contempt by fine or confinement not exceeding the limits provided by general law.

Sec. 11.06. Imposition of bail.

The bail of persons arrested and awaiting trial and persons appealing the decision of a City Judge shall be fixed by a City Judge and upon such security as in his discretion he deems necessary or as otherwise may be provided by ordinance.

Sec. 11.07. Maintenance of records.

The City Administrator shall have the duty of maintaining all records of the City Court in accordance with applicable laws.

Sec. 11.08. Maintenance of docket and other Court rules.

The Board shall require the proper maintenance of the docket of the City Court and other records of the Court, fix the time for holding court, and provide such other rules and regulations for the proper functioning of the Court as are deemed necessary.

Sec. 11.09. Separation of powers.

The City Judge(s) shall be the exclusive judge of the law and facts in every case before him and no official or employee of the City shall attempt to influence his decision except through pertinent facts presented in court.

ARTICLE XII. CHIEF OF POLICE

Sec. 12.01. Appointment, salary, and removal.

The Mayor shall appoint and/or dismiss and the Board shall confirm such appointment or dismissal and fix the salary of the Chief of Police, who shall serve at the direction of the Mayor under such rules and regulations as may be prescribed by the Board of Mayor and Aldermen.

Sec. 12.02. Powers of the Chief of Police.

The Chief of Police is hereby vested with authority to execute all necessary process and make arrests for violation of State laws or Municipal laws within the corporate limits, and authority is vested in him to go anywhere in the State to make such arrests.

ARTICLE XIII. MISCELLANEOUS

Sec. 13.01. Gender.

Any pronoun used herein or any reference to the term Alderman shall be construed to mean the proper gender of the person to whom it shall apply under the circumstances.

Sec. 13.02. Corporate existence, existing ordinances and solutions.

The corporate existence of the City of Germantown is continued. All existing ordinances, obligations, resolutions or other actions of the Board not inconsistent with this Act shall remain in full force and effect until amended or repealed in the manner herein provided.

Sec. 13.03. Expiration of terms of elected officers.

Nothing in this Act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which he was elected.

Sec. 13.04. Severability.

If any article, section, subsection, paragraph, sentence or part of this Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any other parts of this Charter unless it clearly appears that such other parts are necessarily dependent upon the part or parts held to be invalid or unconstitutional. It is the legislative intent in enacting this Charter that each article, section, subsection, paragraph, sentence or part be enacted separately and independently of each other.

CHARTER COMPARATIVE TABLE PRIVATE ACTS

This table shows the location of the sections of the basic Charter and any amendments thereto.

TABLE INSET:

Private Acts Year	Chapter	Section	Section this Charter
1985	87		1.01--13.04
1990	130		2.02
1993	75		4.01, 4.02
1995	120		10.07--10.15